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S&H Form: (2/01)

Docket No.: 1349.1189

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Moon-cheol KIM

Serial No. 10/611,953

Group Art Unit: 2621

Confirmation No. 3518

Filed: July 3, 2003

Examiner: Erick J. Rekstad

For: SCENE CHANGE DETECTOR AND METHOD THEREOF

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed January 12, 2007, having a shortened period for response set to expire on February 12, 2007, the following remarks are provided.

The Office Action sets forth this application contains claims directed to the following patentably distinct species:

Group I. Scene change detector related to claims 1-7, 17 and 18;

Group II. Scene change detector related to claims 8-16, 19 and 20;

Group III. Scene change detector related to claims 21-45;

Group IV. Scene change detector related to claims 46 and 50;

Group V. A method for scene change detection related to claims 47-49;

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect Group I, claims 1-7, 17, and 18, in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Group II, III, IV, and V are concerned, it is believed that claims 8-16, and 19-50 are so closely related to elected claims 1-7, 17 and 18 that they should remain in the same

application. The elected claims 1-7, 17 and 18 are directed to "Scene change detector" and claims 8-16, 19 and 20-46 and 50 are drawn to "Scene change detector" and claims 47-49 are directed related to "a method for scene change." There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing both method and product claims in the same field of technology. It is believed, moreover, that evaluation of both sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Group II, III, IV, and V claims by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

Even if the Examiner considers claims 1-7, 17 and 18 to be a separate invention from claims 8-16, and 19-50, the Applicants respectfully request the Examiner to consider claims 1-7, 17 and 18 (Group I) and claims 8-16, and 19-50 (Group II, III, IV, and V) together.

### III. Conclusion

Upon review of references involved in this field of technology, when considering that the apparatus and method recited by the Group II, III, IV, and V is directed to Scene Change detector, and elected claims 1-7, 17 and 18 are directed to Scene Change detector, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935.

Serial No. 10/611,953

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Feb. 12, 2007

By: \_\_\_\_\_

  
Gene M. Garner, II  
Registration No. 34,172

1201 New York Ave, N.W., Ste. 700  
Washington, D.C. 20005  
(202) 434-1500